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| 09/899,809      | 07/05/2001  | Andrew Sullo         | EZCD:002US          | 9653             |

7590 06/16/2005

FULBRIGHT & JAWORSKI L.L.P.  
A REGISTERED LIMITED LIABILITY PARTNERSHIP  
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AUSTIN, TX 78701

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| EXAMINER |
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BASEHOAR, ADAM L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2178     |              |

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/899,809

**Applicant(s)**

SULLO ET AL.

**Examiner**

Adam L Basehoar

**Art Unit**

2178

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 31 March 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4,6-10,12-14,18-23 and 27-32 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-10,12-14,18-23 and 27-32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to communications: The Amendment filed 03/31/05 to the original the Application filed on 07/05/01 which claims priority to provisional application 60215955 filed on 07/05/00.
2. Claims 5, 11, 15-17, and 24-26 have been cancelled as necessitated by Amendment.
3. Claims 28-32 have been added as necessitated by Amendment.
4. The rejection of claims 1-4 & 8-10 under 35 U.S.C. 103(a) as being unpatentable over Witek et al (6,253,188 06/26/01)(Hereafter Witek) has been withdrawn as necessitated by Amendment.
5. Claims 1-4, 6-10, 12-14, 18-23, and 27-32 are pending in the case. Claims 1, 8, 14, and 22 are an independent claims.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 1-4, 6-10, 12-14, 18-23, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witek et al (6,253,188 06/26/01)(Hereafter Witek) in view of eBay as described in reference (1): Archive.org, "eBay.com," 10/13/99, pp. 1-5, <http://web.archive.org/web/19990922025502/http://www.ebay.com/index.html>,

<http://web.archive.org/web/19991012093736/pages.ebay.com/search/items/search.html> &  
reference (2): Joseph Sinclair, "Ebay the Smart Way: selling, buying, and profiting on the Web's  
#1 auction site," 12/31/99, pp. 1-5,

<http://www.netLibrary.com/urlapi.asp?action=summary&v=1&bookid=8549>

-In regard to independent claim 1, Witek teaches a system and method for correlating an identifier to predefined information in electronic format on a network comprising:  
a graphical user interface (Fig. 1: 22) coupled to the network (Fig. 1: 14), the user interface being configured to direct a remote user to a network site (Fig. 6: 104, 106, 108) that receives the identifier as an input (Fig. 10: 148)(column 28, lines 45-47); and  
a server coupled to the network and configured to (Fig. 1):

receive the identifier (Fig. 10: 148)(column 28, lines 45-47);  
correlate the identifier (Fig. 10: 148)(column 28, lines 45-47) with the predefined information (Fig. 16a: 320: Search the stored classified Ad Text), the predefined information being defined by an entity (Fig. 16a: 300: Another User) associated with the identifier (i.e. user who created the classified ad) and being associated with the entity's identifier before the identifier was input at the network site (i.e. the identifier (Fig. 16a: 320: Ad Text & Search Criteria) was associated with the entity when the classified ad was created and before the ad was queried by a remote user utilizing the identifier); and  
providing linking to the predefined information (classified ad) associated with the identifier (i.e. displaying the selected classified ad).

Witek further teaches wherein the identifier could be any searchable ad text (Fig. 10: 148)(column 28, lines 45-47). Witek does not specifically teach wherein the identifier was a

telephone number. eBay teaches wherein the identifier for classified ads could be any seller defined alias (Reference 1: Page 2: "By Seller"), specifically wherein it could be a seller's email address so that people could always contact them as well as see all items currently listed by the specific seller (Reference 2: Page 5: "Alias (Log-In Name)"). It would have been obvious to one of ordinary skill in the art at the time of the invention for eBay to have used a telephone number as their alias, because eBay teaches that by doing so other eBay user's would always be able to directly contact sellers about their ads (Reference 2: Page 5: "Alias (Log-In Name)"). Based on the same reasoning, it would have been obvious for Witek to have also allowed the identifier to be a telephone number so that users would be able to directly contact sellers about their ads.

-In regard to independent claim 8, Witek and method for correlating an identifier to predefined information in electronic format on a network comprising:  
receiving input (classified ad text and search criteria)(Fig. 16a: 320) from an entity (user)(Fig. 16a: 300), the input defining the information (Fig. 16a: 304: "PLACE AN AD") and associating the information (searchable ad text)(Fig. 16a: 320) of the entity (user)(Fig. 16a: 300);  
assigning the identifier (searchable ad text)(Fig. 16a: 320) to an electronic address of the information predefined by the entity (i.e. by placing the ad on the newspaper website server);  
receiving with a server query comprising the identifier (Fig. 10: 148)(column 28, lines 45-47) over a network (Fig. 1: 14) from a remote user (Fig. 1: 22); and

providing linking to the predefined information using the address (i.e. displaying the selected classified ad).

Witek further teaches wherein the identifier could be any searchable ad text (column 28, lines 45-47). Witek does not specifically teach wherein the identifier was a telephone number. eBay teaches wherein the identifier for classified ads could be any seller defined alias (Reference 1: Page 2: "By Seller"), specifically wherein it could be a seller's email address so that people could always contact them as well as see all items currently listed by the specific seller (Reference 2: Page 5: "Alias (Log-In Name)"). It would have been obvious to one of ordinary skill in the art at the time of the invention for eBay to have used a telephone number as their alias, because eBay teaches that by doing so other eBay user's would always be able to directly contact sellers about their ads (Reference 2: Page 5: "Alias (Log-In Name)"). Based on the same reasoning, it would have been obvious for Witek to have also allowed the identifier to be a telephone number so that users would be able to directly contact sellers about their ads.

-In regard to independent claims 14 and 22, Witek teaches a method and computer readable medium for associating information from print media with online information via a identifier, comprising:

receiving input (classified ad text and search criteria)(Fig. 16a: 320) from an entity (user)(Fig. 16a: 300), the input defining a classified advertisement (Fig. 16a: 304: "PLACE AN AD") and associating a URL address for the advertisement (defined by the newspaper website server URL)(column 22, lines 15-44; column 56, lines 1-2)(Fig. 16a:

300) with an identifier (searchable ad text)(Fig. 16a: 320) of the entity (user) (Fig. 16a: 300);

associating the identifier (searchable ad text)(Fig. 16a: 320) with the URL address (i.e. by placing the ad on the newspaper website server);

providing an online query field (Fig. 10: 148)(column 28, lines 45-47) at a network site (Figs. 6: 104, 106, 108) configured to receive the identifier from a remote user (Fig. 6: 100); and

providing linking to the URL address to view the classified ad via the browser (i.e. displaying the selected classified ad).

Witek further teaches wherein the identifier could be any searchable ad text (column 28, lines 45-47). Witek does not specifically teach wherein the identifier was a telephone number. eBay teaches wherein the identifier for classified ads could be any seller defined alias (Reference 1: Page 2: "By Seller"), specifically wherein it could be a seller's email address so that people could always contact them as well as see all items currently listed by the specific seller (Reference 2: Page 5: "Alias (Log-In Name)"). It would have been obvious to one of ordinary skill in the art at the time of the invention for eBay to have used a telephone number as their alias, because eBay teaches that by doing so other eBay user's would always be able to directly contact sellers about their ads (Reference 2: Page 5: "Alias (Log-In Name)"). Based on the same reasoning, it would have been obvious for Witek to have also allowed the identifier to be a telephone number so that users would be able to directly contact sellers about their ads.

Witek also do not teach wherein the telephone identifier was from a print medium. It would have been obvious to one of ordinary skill in the art at the time of the invention, for the

remote user to have received the telephone number identifier from a print media source, because Witek teaches that print media for classified ads have long been the average person's first stop in attempting to satisfy their buying or selling needs, as well as providing the most economical and efficient way of letting others know what one has to offer (column 1, lines 24-38).

-In regard to dependent claims 2 and 9, Witek teaches wherein the network was the Internet (column 5, lines 20-25).

-In regard to dependent claims 3 and 10, Witek teaches wherein the network was a local area network (column 5, lines 20-25).

-In regard to dependent claim 4, Witek teaches wherein the user interface was a web page (column 23, lines 5-22)(Fig. 6: 106).

-In regard to dependent claims 6, 12, and 18, Witek does not teach wherein the telephone number comprises an extension. eBay teaches wherein the identifier for classified ads could be a specific item number associated with a seller alias (Reference 1: Page 2: "By Seller"). eBay does not specifically teach wherein the specific item number was associated with the seller alias via an extension. It would have been obvious to one of ordinary skill in the art at the time of the invention for eBay to have used an extension to the telephone number as the specific item number, because eBay teaches that by doing so other eBay user's would not only be directed to the specific item of interest (Reference 1: Page: 2: "By Item Number"), but by being an

extension of the alias they would always be able to contact sellers about their ads via the phone number (Reference 2: Page 5: “Alias (Log-In Name)”. Based on the same reasoning, it would have been obvious for Witek to have also allowed the identifier to be a telephone number with an extension.

-In regard to dependent claims 7, 13, 21, and 27, Witek teaches wherein the server was further configured to display an advertisement to a user (Abstract)(Figs. 7: 128 & 130) in response user selected selection parameters (column 30, lines 47-57)(Fig. 10). As shown above in the claim dependency, it would have been obvious to one of ordinary skill in the art at the time of the invention for Witek to have used a telephone identifier to select the advertisement to display, because by directly inputting the identifier of the advertisement in a text query field (Fig. 109: 148), the advertisement would be instantly displayed without having to go through the time consuming process of entering the category, sub-category, and multi-parameter selection (Figs. 5-7). In addition, also as shown above, the telephone identifier allowed the user the ability to easily contact the seller’s about their ads.

-In regard to dependent claim 19, Witek teaches wherein the online query field (Fig. 10: 148) can receive any text input up to 99 characters long (column 29, lines 29-31). Witek does not specifically teach wherein the online query field could receive a telephone number with an extension. eBay teaches wherein the identifier for classified ads could be a specific item number associated with a seller alias (Reference 1: Page 2: “By Item Number”). eBay does not specifically teach wherein the specific item number was associated with the seller alias via an

extension. It would have been obvious to one of ordinary skill in the art at the time of the invention for eBay to have used an extension to the telephone number as the specific item number, because eBay teaches that by doing so other eBay user's would not only be directed to the specific item of interest (Reference 1: Page 2: "By Item Number"), but by being an extension of the alias they would always be able to contact them about their ads via the phone number (Reference 2: Page 5: "Alias (Log-In Name)"). Based on the same reasoning, it would have been obvious for Witek to have also allowed the identifier to be a telephone number with an extension.

-In regard to dependent claim 20, the claim is rejected based on the limitations of the claimed path selected by the examiner. The basis for claim 20 relies on the limitation wherein the telephone number was received without an extension. However, claim 20 depends from claim 19, which allows the selection of either a telephone number with an extension or without an extension. The Examiner has shown above wherein the selection was made for receiving a telephone number with an extension. Claim 20 along with its limitations are thus rendered moot in view of this selection and are summarily rejected. If the Applicant wishes claim 20 to be treated on the merits of the claimed limitations, the Examiner suggests the Applicant amend claim 19 to read: "with **and** without the extension."

-In regard to dependent claim 23, Witek teaches wherein the instructions comprise HTML code (column 22, lines 2-15).

-In regard to dependent claim 28, Witek teaches wherein the server (Fig. 1) was configured to correlate the identifier (searchable ad text)(Fig. 16a: 320) with the predefined information (i.e. the classified ad text and search criteria)(Fig. 16a: 320) by correlating the identifier with a particular network address (defined by placing the classified ad on the newspaper website server URL)(column 22, lines 15-44; column 56, lines 1-2)(Fig. 16a: 300).

Witek further teaches wherein the identifier could be any searchable ad text (column 28, lines 45-47). Witek does not specifically teach wherein the identifier was a telephone number. eBay teaches wherein the identifier for classified ads could be any seller defined alias (Reference 1: Page 2: "By Seller"), specifically wherein it could be a seller's email address so that people could always contact them as well as see all items currently listed by the specific seller (Reference 2: Page 5: "Alias (Log-In Name)"). It would have been obvious to one of ordinary skill in the art at the time of the invention for eBay to have used a telephone number as their alias, because eBay teaches that by doing so other eBay user's would always be able to directly contact sellers about their ads (Reference 2: Page 5: "Alias (Log-In Name)"). Based on the same reasoning, it would have been obvious for Witek to have also allowed the identifier to be a telephone number so that users would be able to directly contact sellers about their ads.

-In regard to dependent claims 29 and 31, Witek teaches wherein the predefined information comprises news information (columns 23 & 24, lines 44-67 & 1-5)(Fig. 8: 132: Announcements, Employment, etc).

-In regard to dependent claims 30 and 32, Witek teaches wherein the predefined information comprises commercial information (columns 23 & 24, lines 44-67 & 1-5)(Fig. 8: 132: “Commercial/Industrial”).

***Response to Arguments***

8. Applicant's arguments filed 03/31/05 have been fully considered but they are not persuasive.

-In regard to independent claims 1, 8, 14, and 22, Applicant argues that Witek reference as well as the Witek reference in view of the eBay reference do not teach the amended claimed limitations. Specifically the Applicant argues that neither reference combination teach or suggest the amended techniques explicitly predefining information and explicitly associating that information with a telephone number and where the telephone number was then used to provided users access to the predefined information. The Examiner respectfully disagrees and refers to the above rejection of claims of the newly amended claims. Witek clearly teaches a user placing a classified ad on a web server related to a URL address to display the classified ad, wherein the classified ad contained predefined information which included the actual ad text as well as search criteria. The ad text and search criteria were each searchable identifiers for a remote user who wished to view the classified ad by way of a browser utilized graphical user interface. The Examiner believes the only limitations not taught by Witek are that the identifiers could be telephone numbers. However, Witek in view of the eBay references teach these missing limitations.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|                 |         |                 |
|-----------------|---------|-----------------|
| US-2003/0040970 | 02-2003 | Miller, Kenneth |
| US-2002/0038248 | 03-2002 | Mager et al.    |

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



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SUPERVISORY PATENT EXAMINER